

Security 3

OGC Has Reviewed

LS-6-0095

MEMORANDUM FOR: Chief, Special Intelligence Staff

SUBJECT : Appropriate Language for Documents under Section 798, Title 18 of the United States Code

1. You have requested our advice concerning language to be included in your various transmittal and cover sheets in order to bring your practices within the concept of Section 798, Title 18.
2. It is suggested that you include in one of your regulations a paragraph substantially as follows:

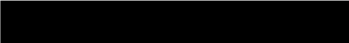
"Any document which bears the phrase 'This document contains classified information within the meaning of Section 798, Title 18, United States Code' is a document which is, for reasons of national security, specifically designated by the Central Intelligence Agency for limited or restricted dissemination or distribution. Any document appended to a transmittal sheet which bears the phrase 'The appended document contains classified information within the meaning of Section 798, Title 18, United States Code' likewise is a document so designated by the Central Intelligence Agency. Section 798 provides that a person commits an offense who knowingly and willfully makes available information protected by Section 798 to any person who is not authorized by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communications intelligence activities for the United States, to receive such information. The names of departments and agencies expressly designated may be obtained from _____."

3. In the case of documents originating with another department or agency the proposed language would mean that CIA is designating another department's material. There should be no legal objection to this, but it might be helpful to discuss this problem with the other departments with a view to their including a similar paragraph in their regulations, in which event the suggested paragraph could be modified to read "specifically designated by the Central Intelligence Agency or another United States Government Agency for" etc. with a corresponding change in the second sentence of the suggested paragraph.

4. Your regulation should also require that everyone read it before being given access to 798 material and that they certify to having done so.

5. The phrase "Handle Via COMINT Channels Only" need not be included on your transmittal sheets for purposes of Section 798, but there is no objection to its inclusion.

6. The papers you left with us are returned herewith.

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Assistant General Counsel

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